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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3702

11 **JENNIFER LAUREN ANCKLE**  
12 **1301 Rvarg Avenue**  
13 **Compton, CA 90220**  
**Pharmacy Technician Registration No. TCH**  
14 **64312**

**A C C U S A T I O N**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about August 5, 2005, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician License No. TCH 64312 to Jennifer Lauren Anckle (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on April 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states, in pertinent part:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

5. Section 4300 states, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation or taking actions in relation to disciplining him or her as the board in its discretion deems proper.

6. Section 4301 states, in pertinent part:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

....

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

1 (1) The conviction of a crime substantially related to the qualifications, functions, and  
2 duties of a licensee under this chapter. [T]he record of conviction shall be conclusive evidence  
3 only of the fact that the conviction occurred. The board may inquire into the circumstances  
4 surrounding the commission of the crime in order to fix the degree of discipline or, in the case of  
5 a conviction not involving controlled substances or dangerous drugs, to determine if the  
6 conviction is of an offense substantially related to the qualifications, functions, and duties of a  
7 licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
8 contedere is deemed to be a conviction within the meaning of this provision. The board may take  
9 action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on  
10 appeal or when an order granting probation is made suspending the imposition of sentence,  
11 irrespective of a s subsequent order under Section 1203.4 of the Penal Code allowing the person  
12 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict  
13 of guilty or dismissing the accusation, information or indictment.”

#### 14 15 REGULATORY PROVISIONS

16 7. California Code of Regulations, title 16, section 1770, states, in pertinent part:

17 "For the purpose of denial, suspension, or revocation of a personal or facility license  
18 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
19 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
20 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
21 licensee or registrant to perform the functions authorized by his license or registration in a manner  
22 consistent with the public health, safety, or welfare."

#### 23 24 COST RECOVERY

25 8. Section 125.3 states, in pertinent part, that the Board may request the administrative  
26 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
28 case.

FIRST CAUSE FOR DISCIPLINE

*(Convictions of Substantially Related Crime- Grand Theft)*

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3 9. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
4 490, in conjunction with California Code of Regulations, title 16, section 1770, in that on July 1,  
5 2009, Respondent was convicted for a crime substantially related to the qualifications, functions  
6 or duties of a pharmacy technician as follows:

7 a. On or about July 1, 2009, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand  
9 theft: property over \$400] in the criminal proceeding entitled *People of the State of California v.*  
10 *Jennifer Ankle* (Super. Ct. Los Angeles County, 2009, No. 9LG05403). The Court sentenced  
11 Respondent to two days of jail and three years of probation with terms and conditions. The  
12 Respondent was also ordered to pay \$150.00 in fines, \$1000.00 in victim restitution and perform  
13 240 hours of community service.

14 b. The circumstances surrounding the conviction are that at the time of the  
15 Respondent's arrest on June 9, 2009, Respondent had been employed as a pharmacy technician at  
16 Walgreens Drug Store ("Walgreen") in Harbor City. During the eight months prior, the  
17 Respondent was being investigated by Loss Prevention due to third party charges on her cash  
18 reports. After being interviewed by Loss Prevention, Respondent admitted stealing more than  
19 \$1000.00 over the last few months prior to her arrest.

20 c. Investigation by Loss Prevention, which included surveillance cameras revealed  
21 that the Respondent stole \$1203.03 from various cash registers on several different dates, ranging  
22 from September 2008 to January 2009. After being questioned, the Respondent turned herself in  
23 and was placed under arrest.

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**SECOND CAUSE FOR DISCIPLINE**

***(Dishonest Acts)***

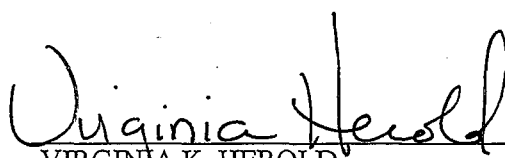
10. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that, Respondent committed dishonest acts by stealing cash from her employer on numerous occasions. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9 and all subparagraphs, as though set forth fully herein.

**PRAYER**

*WHEREFORE*, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Pharmacy Technician License No. TCH 64312, issued to Respondent;
- 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 8/23/10

  
 VIRGINIA K. HEROLD  
 Executive Officer  
 Board of Pharmacy  
 State of California  
 Complainant

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Jennifer Anckle Accusation.docx